IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 23973 of 2007(D)

PETITIONER:

SASIDHARAN.K.V.,
S/O.K.V.PERACHAN, AGED 53 YEARS,
'SREEKRISHNA HOUSE', NEAR SANKARAVILASAM SCHOOL,
PANNIYANKARA, KALLAI P.O., CALICUT-3.

BY ADV. SRI.K.M.FIROZ
SMT.M.SHAJNA

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOZHIKODE.

2. THE DEPUTY COLLECTOR,
(SPECIAL TASK FORCE),
OFFICE OF THE DEPUTY COLLECTOR,
COLLECTORATE, CIVIL STATION, CALICUT-20.

3. THE TAHSILDAR,
TALUK OFFICE, KOZHIKODE.

4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.23973 OF 2007

DATED THIS THE 7th DAY OF AUGUST, 2007

JUDGMENT

The petitioner is challenging Ext.P6 notice by which the petitioner has been directed to vacate the properties mentioned therein within twenty four hours on the ground that the petitioner is unauthorisedly occupying Government land. The petitioner's contention is that the petitioner is not occupying any Government land and further that Ext.P6 has been issued in violation of principles of natural justice.

2. I have heard the learned Government pleader also. The learned Government pleader could not satisfy me that Ext.P6 was preceded by any notice or hearing. Ext.P6 also does not contain any reasons as to why the emergency provisions under the Keala Land Conservancy Act should be invoked.

3. In the above circumstances, I am satisfied that Ext.P6 has been issued in violation of principles of natural justice and therefore, is liable to be quashed. However, if Ext.P6 is treated as a show cause notice, it may not be necessary to quash the same.

4. Accordingly, I dispose of this writ petition with the following directions.

The 3rd respondent would treat Ext.P6 as a show cause notice. The petitioner has already filed Ext.P7 objections to the same. Now the 3rd respondent shall afford an opportunity of being heard to the petitioner which shall include an opportunity to adduce evidence also. Thereafter, the 3rd respondent shall pass a speaking order dealing with the contentions of the petitioner on the basis of the evidence adduced by him. Till after seven days of communication of such order, the petitioner shall not be evicted from the property in question.

S. SIRI JAGAN, JUDGE

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